30058

Nos. 387 and 406.

Motion to advance.

Office Supreme Court U.S.
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In the Supreme Court of the United States.

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CHARLES F. W. NEELY, APPELLANT,
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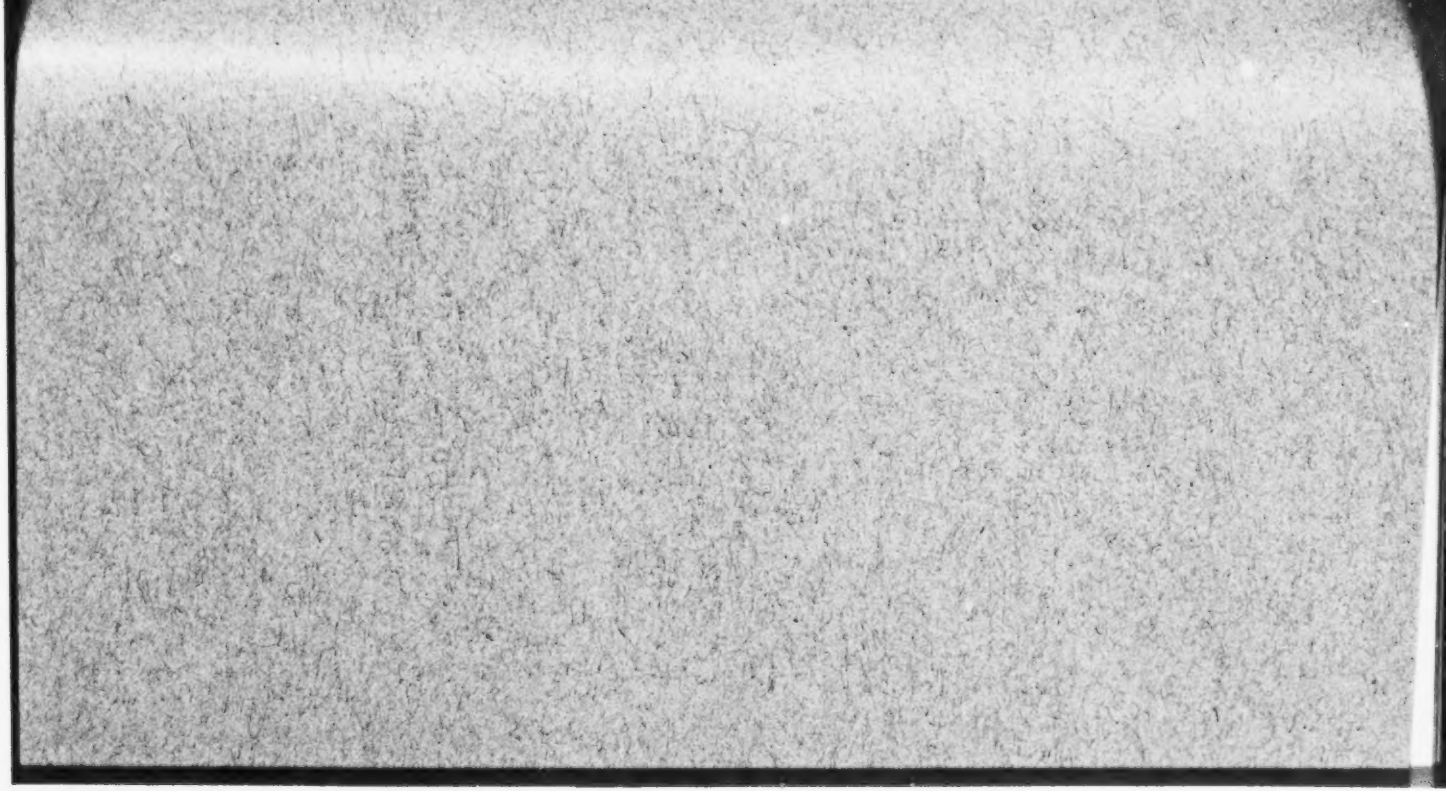
MOTIONS TO ADVANCE.



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The appellant, Neely, while holding the position of finance officer of the department of posts, Cuba, embezzled a large amount of money and fled to this country. While an application for a warrant of extradition under the act of June 6, 1900 (31 Stat., 656), was pending before Judge Lacombe, in New York, and after Judge Lacombe had announced that on an early day he would grant the warrant, Neely applied to Judge Wallace for a

writ of habeas corpus, alleging that he was being held by the United States marshal under the extradition proceedings, and that the act of June 6, 1900, authorizing these proceedings was unconstitutional.

The application in No. 387 was made on August 10, 1900, and that in case No. 406 on August 20, 1900. The second application was made to cure certain supposed defects in the first. In each case Judge Wallace denied the application, but allowed an appeal to this court, and ordered that Neely be remanded to the custody of the marshal, to be held pending the determination of the appeal.

Each appeal is intended to raise the question of the constitutionality of the act of June 6, 1900, authorizing extradition to Cuba, and therefore involves questions of public interest which obviously, in view of the peculiar character of the case, require speedy determination.

JOHN K. RICHARDS,
Solicitor-General.

OCTOBER 9, 1900.

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